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EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/681,584 | MATHUR ET AL. | |
| | Examiner | Art Unit | |
| | Ted T. Vo | 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 09/06/2005 entered by filing RCE on 12/06/05.

Claims 1-29, 31-39 remain pending in the application.

Response to Amendment

2. Applicants' amendment and arguments in their Remarks filed on 09/06/05 have been fully considered.

With respect to the amended limitation,

"restarting, by a computer, the project after at least one of adding, deleting, and changing the devices", it should be noted that this claimed feature has been admitted by Applicants as from prior art (in Figure 2, it is noted as Prior Art). Moreover, with a user who initiates a turn on or off of a computer, will cause the computer to restart a project; i.e., the claim broadly includes a manual act. A manual act cannot be patentable feature. In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).

With respect to the amended limitation,

"determining, by the power management control system, whether a dynamic data exchange (DDE) protocol is installed within the project.",

it should be noted that the steps "*automatically updating a configuration...*", and "*restarting, by a computer...*" followed after "determining", have the functionality which is not incorporated or related with the determining step; i.e., whether the DDE installed within the project or not, it does change the functionality/scope of the claim. It should be noted that a standard computer using standard Windows, the operating system in the Windows includes a dynamic data exchange to allow a user to connect a device to its hardware ports.

On the other hand, Salas discusses, "Software for monitoring and controlling selected aspects of power usage/consumption is loaded into the computer as described above and **includes** a dynamic data exchange (DDE) server. The DDE server allows external programs to access power management data in a Microsoft Windows environment. Data interface to the DDE server is provided by the system through the Wonderware Intouch utility or any other DDE aware program" (see col. 2: 33-48.); i.e., in the Salas' system, there has already been an installed DDE, or its existence could be seen by the Wonderware Intouch utility or the DDE aware program, which is within the power management control system. Furthermore, see Figures 30-31, 31A, 32.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-29, 31-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Salas et al., US 5,862,391.

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Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1:

Salas discloses a power management system comprising: *"A method for adding devices to a power management control system, said the method comprising the steps of:*

prompting a user to create a project (See column 13, lines 5-7, "generate a power distribution device interface without programming skills");

prompting the user to add devices to the project (See FIG. 40, popup window 'Device Configuration' with 'Add' button, see column 23, line 18, "new device");

executing a file to automatically configure the devices (See column 23, lines 26-28, 'button CONFIGURATION' on the server windows application, or see column 24, lines 16-29, "run");

generating screens for the devices added to the project (see column 24, lines 30-42, "VIEW" button);

determining, by the power management control system, whether a dynamic data exchange (DDE) protocol is installed within the project (Salas discloses Figures 30-31, 31A, 32, having means for determining, by the power management control system, whether an DDE is in the computer system of the reference (col.2: 33-42)).

automatically updating a configuration of at least one of the devices and the screens;

(Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)); and

restarting, by a computer, the project after at least one of adding, deleting, and changing the devices" (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the

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server is running...”, started at line 31, “the DDE server starts up, reads configuration data from disk and initialized all other objects...”).

As per Claim 2: Salas discloses claim limitation in the button “file” in a window, a file selection, appeared on left top of the window (see FIG. 7).

As per Claim 3: Salas discloses claim limitation in the “file” button in a window on left top of the popup window (see FIG. 7). When a file exists in a file registry, there will be a means of availability, and a means of option; a mouse click set upon a file in the registry will provide a selection.

As per Claim 4: Salas discloses a popup screen that includes the device descriptions (See FIG. 52).

As per Claim 5: Salas discloses a popup screen that allows a user to enter an added device (See FIG. 41).

As per Claim 6: Salas discloses the limitation of Claim 6 (see column 13, lines 29-41; column 13, lines 5-41, PowerWizard, that provides ranges of devices).

As per Claim 31: Salas's discloses the limitation of Claim 31 (See FIG. 42, “com port:”).

As per Claim 32: Salas discloses the limitation of Claim 32 (See FIG. 40, “add”, that prompts FIG. 41 for adding a device, including ‘com port’, ‘Device Type’ etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 33: Salas discloses the limitation of Claim 33 (See column 13, lines 29-41); Salas includes PowerWizard (see column 13, lines 5-41) that provides ranges of devices.

As per Claim 7: Salas discloses, “a power management system comprising:

A control computer (see FIG. 1, computer 122); at least one intelligent device (see FIG. 1, devices connected to Modbus Concentrator 138) interfaced to said control computer for controlling and monitoring power; and

A software package comprising a user interface (see FIG. 4, 164a), and applications layer (see FIG. 68, feature numeral 610), an operating system (see column 2, Microsoft Window environment lines 37-38); and a Power Builder (See FIG. 4, Applications Module 156) for facilitating automated addition and configuration of user selected intelligent end devices to said power management control system (See

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column 2, lines 33-36, 'software for monitoring and controlling', or FIG. 4, feature numeral 156), said *Power Builder configured to build external applications onto a power management control project framework* (see FIG.s 40-41), *automatically create points* (See column 13, lines 29-41) *associated with said selected intelligent end devices* (see FIG. 2), *generate main menu screens for said selected intelligent end devices* (see FIG. 41), *restart a project to which said at least one intelligent end device is added after at least one of adding, deleting and changing said at least one intelligent end device*, (See in column 24, started at line 16, "After configuration is set at defined above, the SERVER button is selected on the SERVER WINDOWS APPLICATION_SERVER screen generating a menu from which RUN is selected as shown in FIG.56, bringing the server on-line..."; in column 25, started at line 21, "When the server is not running,..., the user can configure the system...", started at line 24, "when the server is running...", started at line 31, "the DDE server starts up, reads configuration data from disk and initialized all other objects..."), *and install a dynamic data exchange (DDE) protocol within the project upon determining that the DDE protocol is not installed within the project* (Salas discloses Figures 30-31, 31A, 32, having means for determining, by the power management control system, whether DDE is in the computer system of the reference (col.2: 33-42)),

wherein said software package is configured to automatically update a configuration of at least one of said selected intelligent end devices, said points, and said screens" (Salas discloses the such limitation in updating such a device configuration using screen tab devices such "add" and "modify" (See FIG 40), and using pull down menu (See FIG. 41) that shows the device type. Salas further discloses a wizard ('PowerWizard') that assists adding a power device and also has ability of automatic update/correct device's configurations from user input's errors (See column 13, lines 1-23; Column 21, lines 49-65)).

As per Claim 8: Salas discloses claim limitation of Claim 8 in "file" tab in a window (See FIG. 7). When a file exists in a file registry, there will be a means of availability, and means of option. A mouse click set upon a file in the registry will provide a selection.

As per Claim 9: Salas shows the applications module comprises add device configuration (FIG. 41) that can add a device to the power management control system.

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As per Claim 10: Salas shows the add device configuration (FIG. 41) comprising descriptions of an added device; the descriptions indicate device type, device name, etc.

As per Claim 11: The software for monitoring and controlling selected aspects of the power management control system includes DDE (See column 11, lines 19-25); where the DDE provides data configured to a field device (See column 24, lines 52-67).

As per Claim 12: The software for monitoring and controlling selected aspects of the power management control system includes a list configured devices (see FIG. 40), a wizard (FIG. 10), data file with points (see column 13, lines 29-41); even logger (FIG. 4,160).

As per Claim 13: Salas includes .INI file (See column 20, line 16), where INI extension is known as a file used in initialization.

As per Claim 14: FIG.s 60-64 have means of facilitating a view of a selected device.

As per Claim 15: FIG. 13 is a wizard selection dialog box which includes wizard templates in the left side.

As per Claim 16: Salas discloses the limitation (See column 7, 19-27).

As per Claim 34: Salas discloses the limitation of Claim 34 (See FIG 40, Application name, device name in the box, FIG. 42, "com port:").

As per Claim 35: Salas discloses the limitation of Claim 35 (See FIG. 40, "add", that prompts FIG. 41 for adding a device, including 'com port', 'Device Type' etc, and it also prompts FIG. For source and information of the device type. FIG. 42, with pull down tabs allow determining that a selected device type is existed or not).

As per Claim 17: The claim has the claimed functionality corresponding to Claim 1. Claim 17 is rejected in the same reason set forth in connecting to Claim 1.

As per Claim 18: The claim has the claimed functionality corresponding to Claim 2. Claim 18 is rejected in the same reason set forth in connecting to Claim 2.

As per Claim 19: The claim has the claimed functionality corresponding to Claim 4. Claim 19 is rejected in the same reason set forth in connecting to Claim 4.

As per Claim 20: The claim has the claimed functionality corresponding to Claim 5. Claim 20 is rejected in the same reason set forth in connecting to Claim 5.

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As per Claim 36: The claim has the claimed functionality corresponding to Claim 31. Claim 36 is rejected in the same reason set forth in connecting to Claim 31.

As per Claim 37: The claim has the claimed functionality corresponding to Claim 32. Claim 37 is rejected in the same reason set forth in connecting to Claim 32.

As per Claim 21: The claim has the claimed functionality corresponding to Claim 7. Claim 21 is rejected in the same reason set forth in connecting to Claim 7.

As per Claim 22: The claim has the claimed functionality corresponding to Claim 8. Claim 22 is rejected in the same reason set forth in connecting to Claim 8.

As per Claim 23: The claim has the claimed functionality corresponding to Claim 9. Claim 23 is rejected in the same reason set forth in connecting to Claim 9.

As per Claim 24: The claim has the claimed functionality corresponding to Claim 10. Claim 24 is rejected in the same reason set forth in connecting to Claim 10.

As per Claim 25: The claim has the claimed functionality corresponding to Claim 11. Claim 25 is rejected in the same reason set forth in connecting to Claim 11.

As per Claim 26: The claim has the claimed functionality corresponding to Claim 12. Claim 26 is rejected in the same reason set forth in connecting to Claim 12.

As per Claim 27: The claim has the claimed functionality corresponding to Claim 13. Claim 27 is rejected in the same reason set forth in connecting to Claim 13.

As per Claim 28: The claim has the claimed functionality corresponding to Claim 14. Claim 28 is rejected in the same reason set forth in connecting to Claim 14.

As per Claim 29: The claim has the claimed functionality corresponding to Claim 15. Claim 29 is rejected in the same reason set forth in connecting to Claim 15.

As per Claim 38: The claim has the claimed functionality corresponding to Claim 34. Claim 38 is rejected in the same reason set forth in connecting to Claim 34.

As per Claim 39: The claim has the claimed functionality corresponding to Claim 35. Claim 39 is rejected in the same reason set forth in connecting to Claim 35.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2191
February 17, 2006